

REMARKS

Claims 42-78 remain in this application. Claims 1-9, 11-23, 25-38, 40, and 41 have been cancelled without prejudice. Claims 42-78 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §103(a) Rejection – Schneider and Hughes

The Examiner has rejected claims 1-5, 8, 11, 13-18, 21, 25, 28-32, 34, 37 and 41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,687,753 issued to Schneider (hereinafter referred to as “Schneider”) in view of U.S. Patent No. 6,633,725 issued to Hughes, Jr. et al. (hereinafter “Hughes”). These claims have been cancelled without prejudice. Without admitting the appropriateness of combining Schneider and Hughes, which does not even seem appropriate, Applicants respectfully submit that the present claims are allowable over any combination of Schneider and Hughes.

Claim 53 recites a method comprising “*a first peer node receiving an inquiry for data from a second peer node; the first peer node obtaining the requested data from a third peer node; the first peer node transcoding the data before transmitting the data to the second peer node, wherein the transcoding includes converting the data into a format that can be processed by the second peer node and transmitting the data to the second peer node in a transport specification as requested by the second peer node*”. Any combination of Schneider and Hughes does not teach or suggest the first peer node obtaining the requested data from a third peer node.

In the present Office Action, on page 3, the Examiner appears to have argued that Schneider discusses the limitation that the first node obtains the requested data from the

third node at column 3, lines 19-24. Applicants respectfully disagree. At column 3, lines 17-24 it is stated:

*“It is here to be noted that the transmission method choice could be made at the client or server location; however, it is expected that the client location would be better suited for making the determination, particularly in the instance when the graphics scene to be rendered is comprised of objects **downloaded from other servers**. Server processor 17 coordinates the I/O, transmission, formatting, load determination and, if this function is supported, the exact parts of the model/representation to be transferred.”*

Applicants respectfully submit that this section does not teach or suggest one server obtaining requested data from another server. As understood by Applicants, this the client location would download the objects from each of the servers, rather than one server obtaining data from another server. In any event, it is not taught or suggested that one server obtain requested data from another server. Accordingly, this section does not teach or suggest that the first peer node obtain the requested data from the third peer node. For at least this reason, claim 14 is believed to be allowable.

Additionally, Schneider and Hughes should not be combined. Schneider discusses methods for clients and servers, not for peers nodes. There is no teaching or suggestion in Schneider that the methods are for peer nodes. In fact, the Applicants have performed an electronic search of Schneider and have found absolutely no mention peers whatsoever. Therefore, Applicants submit that it is simply inappropriate to read peer features from Hughes into Schneider.

For at least these reasons, claim 53 and its dependent claims are believed to be allowable. Independent claims 42 and 67, as well as their respective dependent claims, are also believed to be allowable.

35 U.S.C. §103(a) Rejection – Schneider, Hughes, and Official Notice

The Examiner has rejected claims 6-7, 12, 19-20, 23, 26-27, 35-36, and 40 under 35 U.S.C. §103(a) as being unpatentable over Schneider and Hughes in view of “Official Notice”.

The Examiner has taken Official Notice that “*the concept of the peer service layer of the peer node is known and accepted in the art*”. Applicants hereby challenge the Official Notice. As understood by Applicants, it is not known for the **data to be transcoded into a format requested by the peer service layer of the peer node**. Applicants hereby request that the Examiner either provide a reference in support of the assertion that **all of what is claimed is known**, or set forth facts supporting the assertion in an Examiner’s affidavit, or that the Examiner otherwise withdraw the rejection. See e.g., MPEP 2144.03 (C).

35 U.S.C. §103(a) Rejection – Schneider, Hughes, and Ogilvie

The Examiner has rejected claims 9, 22 and 38 under 35 U.S.C. §103(a) as being unpatentable over Schneider and Hughes in view of U.S. Patent No. 6,757,713 issued to Ogilvie et al. (hereinafter “Ogilvie”). These claims have been cancelled.

As discussed above, the newly presented independent claims have been showed to be allowable over any combination of Schneider and Hughes, which combination of references does not even seem appropriate. Applicants submit that the limitations of the independent claims that are missing from Schneider and Hughes are also not taught or suggested by Ogilvie. Accordingly, the present claims are believed to be allowable over any combination of Ogilvie with Schneider and Hughes, which combination does not even seem appropriate.

35 U.S.C. §103(a) Rejection – Schneider, Hughes, and Neogi

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Schneider and Hughes in view of U.S. Patent No. 6,650,620 issued to Neogi, et al. (hereinafter referred to as “Neogi”). These claims have been cancelled.

As discussed above, the newly presented independent claims have been showed to be allowable over any combination of Schneider and Hughes, which combination of references does not even seem appropriate. Applicants submit that the limitations of the independent claims that are missing from Schneider and Hughes are also not taught or suggested by Neogi. Accordingly, the present claims are believed to be allowable over any combination of Neogi with Schneider and Hughes, which combination does not even seem appropriate.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

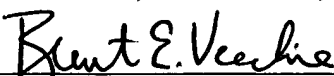
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9-19-05



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